

Michigan State Law
Michigan Compiled Laws
Michigan Department of State Police

CONCEALED WEAPONS AND FIREARMS LAWS

General Information

Required Licensing

In order to legally buy and sell firearms and transport them in interstate commerce one must be in possession of:

- (1) A Federal firearms license, application for which is obtained from any office of the Bureau of Alcohol, Tobacco and Firearms; and,
- (2) A Michigan Sales Tax License obtained from Michigan Department of Treasury, Bureau of Revenue, Sales, Use, and Withholding Taxes Division; Treasury Building; 430 West Allegan Street; Lansing, Michigan 48922.

A Federal firearms license confers no right or privilege to conduct business or activities contrary to state or other laws. Similarly, compliance with the provisions of any state or other law affords no immunity under Federal law or regulations.

Pistol Defined

A pistol is defined as **"any firearm, loaded or unloaded, 30 inches or less in length, or any firearm, loaded or unloaded, which by its construction and appearance conceals it as a firearm."** This definition includes rifles and shotguns generally equipped with pistol grips, with barrel lengths of at least 16 and 18 inches, respectfully, whose overall lengths fall between 26 and 30 inches. The latter portion, **"construction and appearance,"** refers to those weapons designed to appear as a camera, cigarette lighter, pen or pencil, etc.

Michigan License To Purchase

Whenever a pistol is purchased/obtained/received, etc., the purchaser is required to pass a basic safety questionnaire and obtain a License to Purchase from their local police agency. The purchaser, along with the seller, must complete the license. The seller retains one copy of the license and the purchaser is required to return to their local police agency with the remaining two copies within 10 days of purchase to have a Safety Inspection Certificate issued.

The seller would be:

- (1) A federally licensed firearms dealer;
 - (2) A legal **"registered"** owner; or,
 - (3) An administrator of the estate or next of kin having authority to dispose of such property, in the event the **"registered owner"** or dealer is deceased.
- In the absence of a seller's signature the reason should be noted on the License to Purchase i.e. "moved from Virginia."

Exceptions

The preceding is the procedure required for importing, selling, and purchasing/obtaining firearms in this state by dealers and individuals. Below you will find the exceptions to the statutes, particularly those pertaining to the handling of antique pistols or replicas of antique pistols:

(1) The License to Purchase Section: **"This section does not apply to the sale, barter or exchange of pistols kept solely as relics, curios, or antiques not made for modern ammunitions or permanately deactivated."**

(2) The Safety Inspection of Pistols Section: **"The provisions of this section shall not apply to a wholesale or retail dealer in firearms or to collections of pistols kept solely for the purpose of display, as relics, curios, or antiques, not made for modern ammunition or permanently deactivated."**

This wording requires a License to Purchase and a Safety Inspection Certificate on relics and antiques unless they are purchased and kept solely for the purpose of display as relics, curios, or antiques, or are permanently deactivated.

Pellet Guns

"Pellet guns" are defined as **"firearms"** under Michigan statutes. This includes a pistol which fires either a B.B., a dart, or a pellet. A B.B. pistol not exceeding .177 caliber is not defined as a firearm. No person under the age of 18 shall use or possess a B.B. handgun off property owned by their parent or guardian unless accompanied by a person over 18 years of age. Blank cartridge pistols may be possessed and used only for theatrical purposes, training or exhibiting dogs, athletic events, railroad signal purposes, by the militia, or any veterans organization.

8.3t "Firearm" defined. The word **"firearm"**, except as otherwise specifically defined in the statutes, shall be construed to include any weapon from which a dangerous projectile may be propelled by using explosives, gas or air as a means of propulsion, except any smooth bore rifle or handgun designed and manufactured exclusively for propelling B.B.'s not exceeding .177 calibre by means of spring, gas or air.

Act 372; Public Acts of 1927, as Amended

28.421. Firearms; definitions.

Sec.1. As used in this act:

(a) **"Firearm"** means a weapon from which a dangerous projectile may be propelled by an explosive, or by gas or air. Firearm does not include a smooth bore rifle or handgun designed and manufactured exclusively for propelling by a spring, or by gas or air, B.B.s not exceeding .177 caliber.

(b) **"Pistol"** means a loaded or unloaded firearm that is 30 inches or less in length, or a loaded or unloaded firearm that which by its construction and appearance conceals it as a firearm.

(c) **"Purchaser"** means any person who receives a pistol from another by purchase, gift or loan.

(d) **"Seller"** means any person who sells, furnishes, loans, or gives a pistol to another person.

28.422. License to purchase, carry, or transport pistol; issuance; qualifications; applications; sale of pistol; exemptions; basic pistol safety brochure; forging application; implementation during business hours.

Sec. 2. (1) Except as provided in subsection (2), a person shall not purchase, carry or transport a pistol in this state without first having obtained a license for the pistol as prescribed in this section.

(2) A person who brings a pistol into this state and who is on leave from active duty with the armed forces of the United States or who has been discharged from active duty with the armed forces of the United States shall obtain a license for the pistol within 30 days after his or her arrival in this state.

(3) The commissioner or chief of police of a city, township, or village police department that issues licenses to purchase, carry, or transport pistols or his or her duly authorized deputy, or the sheriff or his or her duly authorized deputy, in the parts of a county not included within a city, township, or village having an organized police department, in discharging the duty to issue licenses shall with due speed and diligence issue licenses to purchase, carry or transport pistols to qualified applicants residing within the city, village, township, or county, as applicable unless he or she has probable cause to believe that the applicant would be a threat to himself or herself or to other individuals, or would commit an offense with the pistol that would violate a law of this or another state or of the United States. An applicant is qualified if all of the following circumstances exist:

(a) The person is not subject to an order or disposition for which he or she has received notice and an opportunity for a hearing, and which was entered into the law enforcement information network pursuant to any of the following:

(i) Section 464a(1) of the mental health code, Act No. 258 of the Public Acts of 1974, being section 330.1464a of the Michigan Compiled Laws.

(ii) Section 444a(1) of the revised probate code, Act No. 642 of the Public Acts of 1978, being section 700.444a of the Michigan Compiled Laws.

(iii) Section 2950(9) of the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being section 600.2950 of the Michigan Compiled Laws.

(iv) Section 2950a(7) of Act No. 236 of the Public Acts of 1961, being section 600.2950a of the Michigan Compiled Laws.

(v) Section 14(7) of chapter 84 of the Revised Statutes of 1846, being section 552.14 of the Michigan Compiled Laws.

(vi) Section 6b(5) of chapter V of the code of criminal procedure, Act No. 175 of the Public Acts of 1927, being section 765.6b of the Michigan Compiled Laws, if the order has a condition imposed pursuant to section 6b(3) of chapter V of Act No. 175 of the Public Acts of 1927.

(vii) Section 16b(1) of chapter IX of Act No. 175 of the Public Acts of 1927, being section 769.16b of the Michigan Compiled Laws.

(b) The person is 18 years of age or older or, if the seller is licensed pursuant to section 923 of title 18 of the United States Code, 18 U.S.C. 923, is 21 years of age or older.

(c) The person is a citizen of the United States and is a legal resident of this state.

(d) A felony charge against the person is not pending at the time of application.

(e) The person is not prohibited from possessing, using, transporting, selling, purchasing, carrying, shipping, receiving or distributing a firearm under section 224f of the Michigan penal code, Act No 328 of the Public Acts of 1931, being section 750.224f of the Michigan Compiled Laws.

(f) The person has not been adjudged insane in this state or elsewhere unless he or she has been adjudged restored to sanity by court order.

(g) The person is not under an order of involuntary commitment in an inpatient or outpatient setting due to mental illness.

(h) The person has not been adjudged legally incapacitated in this state or elsewhere. This subdivision does not apply to a person who has had his or her legal capacity restored by order of the court.

(i) The person correctly answers 70% or more of the questions on a basic pistol safety review questionnaire approved by the basic pistol safety review board and provided to the individual free of charge by the licensing authority. If the person fails to correctly answer 70% or more of the questions on the basic pistol safety review questionnaire, the licensing authority shall inform the person of the questions he or she answered incorrectly and allow the person to attempt to complete another basic pistol safety review questionnaire. The person shall not be allowed to attempt to complete more than 2 basic pistol safety review questionnaires on any single day. The licensing authority shall allow the person to attempt to complete the questionnaire during normal business hours on the day the person applies for his or her license.

(4) Applications for licenses under this section shall be signed by the applicant under oath upon forms provided by the director of the department of state police. Licenses to purchase, carry, or transport pistols shall be executed in triplicate upon forms provided by the director of the department of state police and shall be signed by the licensing authority. Three copies of the license shall be delivered to the applicant by the licensing authority.

(5) Upon the sale of the pistol, the seller shall fill out the license forms describing the pistol sold, together with the date of sale, and sign his or her name in ink indicating that such pistol was sold to the licensee. The licensee shall also sign his or her name in ink indicating the purchase of the pistol from the seller. The seller may retain a copy of the license as a record of the sale of the pistol. The licensee shall return 2 copies of the license to the licensing authority within 10 days following the purchase of the pistol.

(6) One copy of the license shall be retained by the licensing authority as an official record for a period of 6 years. The other copy of the license shall be forwarded by the licensing authority within 48 hours to the director of the department of state police. A license is void unless used within 10 days after the date of its issue.

(7) This section does not apply to the purchase of pistols from wholesalers by dealers regularly engaged in the business of selling pistols at retail, or to the sale, barter, or exchange of pistols kept solely as relics, curios, or antiques not made for modern ammunition or permanently deactivated. This section does not prevent the transfer of ownership of pistols that are inherited if the license to purchase is approved by the commissioner or chief of police, sheriff, or their authorized deputies, and signed by the personal representative of the estate or by the next of kin having authority to dispose

of the pistol.

(8) The licensing authority shall provide a basic pistol safety brochure to each applicant for a license under this section before the applicant answers the basic pistol safety review questionnaire. A basic pistol safety brochure shall contain, but is not limited to providing, information on all of the following subjects:

(a) Rules for safe handling and use of pistols.

(b) Safe storage of pistols.

(c) Nomenclature and description of various types of pistols.

(d) The responsibilities of owning a pistol.

(9) The basic pistol safety brochure shall be supplied in addition to the safety pamphlet required by section 9b.

(10) The basic pistol safety brochure required in subsection (8) shall be produced by a national membership organization that provides voluntary pistol safety programs that include training individuals in the safe handling and use of pistols.

(11) A person who forges any matter on an application for a license under this section is guilty of a felony, punishable by imprisonment for not more than 4 years or a fine of not more than \$2,000, or both.

(12) A licensing authority shall implement this section during all the licensing authority's normal business hours and shall set hours for implementation that allow an applicant to use the license within the time period set forth in subsection (6).

Publisher's Note:

The Attorney General has stated: 1) a firearm with a contracting/folding stock which, when contracted/folded measures 30 inches or less in overall length and is fully operable in that mode is a PISTOL requiring licensure for purchase, carrying or transport, and is subject to safety inspection; and 2) Rifles and shotguns whose barrels are 16 and 18 or more in length, respectively, with contracting/folding stocks, which are fully operable with stocks folded or contracted, and whose overall length are LESS than 26 inches with stocks contracted/folded, fall within the definition of "short-barreled rifle" and "short-barreled shotgun" and their sale or possession is PROHIBITED by MCL 750.224b; MSA 28.421(2).

The Opinion noted that the Uzi, semi-automatic carbine (barrel length-16.1 inches, length with stock contracted-24.4 inches, length with stock extended-31.5 inches) is a short-barreled rifle and their SALE and POSSESSION is prohibited.

(Opinion 6280 of Attorney General Frank J. Kelley, March 20, 1985).

28.424. Restoration of firearm rights.

Sec. 4.(1) A person who is prohibited from possessing, using, transporting, selling, purchasing, carrying, shipping, receiving, or distributing a firearm under section 750.224f of the Michigan Compiled Laws, may apply to the concealed weapons licensing board in the county in which he or she resides for restoration of those rights. * * * *

28.429. Pistol; safety inspection required; certificate of inspection; exemptions; * * * *.

Sec. 9.(1) A person within the state who owns or comes into possession of a pistol shall, if he or she resides in a city, township, or village having an organized police department, present the pistol for safety inspection to the commissioner or chief of police of the city, township, or village police department or to a duly authorized deputy of the commissioner or chief of police. If that person resides in a part of the county not included within a city, township, or village having an organized police department, he or she shall present the pistol for safety inspection to the sheriff of the county or a duly authorized deputy of the sheriff.

If the person presenting the pistol is eligible to possess a pistol under section 2(1), a certificate of inspection shall be issued in triplicate on a form provided by the director of the department of state police, containing the name, age, address, description and signature of the person presenting the pistol for inspection, together with a full description of the pistol. The original of the certificate shall be delivered to the registrant. The duplicate of the certificate shall be mailed within 48 hours to the director of the department of state police and filed and indexed by the department and kept as a permanent official record. The triplicate of the certificate shall be retained and filed in the office of the sheriff, commissioner, or chief of police. This section does not apply to a wholesale or retail dealer in firearms who regularly engages in the business of selling pistols at retail, or to a person who holds a collection of pistols kept solely for the purpose of display as relics, curios, or antiques, and that are not made for modern ammunition or are permanently deactivated.

(2) A person who presents a pistol for a safety inspection under subsection (1) shall ensure that the pistol is unloaded and that the pistol is equipped with a trigger lock or other disabling mechanism or encased when the pistol is presented for inspection. A person who violates this subsection is responsible for a civil infraction and may be ordered to pay a civil fine of not more than \$50.00.

28.429a. Basic pistol safety review board; creation; membership; chair; duties.

Sec. 9a.(1) The basic pistol safety review board is created in the department of state police. The board shall consist of the following members:

(a) The director of the department of state police or his or her representative.

(b) The director of the department of natural resources or his or her representative.

(c) One person appointed by the governor with the advice and consent of the senate representing the interests of organizations involved in shooting sports.

(d) One person appointed by the governor with the advice and consent of the senate representing the interests of a statewide conservation organization.

(e) One person appointed by the governor with the advice and consent of the senate representing the interests of the public.

(2) The director of the department of state police shall chair the basic pistol safety board.

(3) The basic pistol safety board shall do all of the following:

(a) Approve a pamphlet on basic pistol safety for distribution to entities authorized to issue licenses under section 2.

(b) Approve basic pistol safety questionnaires for distribution to entities authorized to issue licenses under section 2. The board shall approve a questionnaire under this subdivision only if both of the following circumstances exist:

(i) The questionnaire only addresses material covered in the pamphlet approved pursuant to subdivision (a).

(ii) The questionnaire reasonably examines the knowledge of pistol safety of individuals who are required to answer questionnaires.

(c) * * * [Ninety days after this act goes into effect, provide the department of state police master copies of pamphlet and questionnaire for printing and distribution to entities authorized to issue licenses under section 2].

28.429b. Basic pistol safety pamphlets and questionnaires; printing and distribution. [* * * Contact state authority for specifics.] * * * *

28.429c. Distribution of basic pistol safety pamphlet.

Sec. 9c. Entities authorized to issue licenses under section 2 shall distribute a basic pistol safety pamphlet received by that entity from the department of state police free of charge to each person who requests a copy of the pamphlet.

28.429d. Forfeiture of firearm.

Sec. 9d. A firearm that is possessed in violation of this act is subject to forfeiture.

28.430. Theft of firearm; report required; failure to report theft as civil violation; penalty.

Sec. 10.(1) A person who owns a firearm shall, within 5 days after he or she knows his or her firearm is stolen, report the theft to a police agency having jurisdiction over that theft.

(2) A person who fails to report the theft of a firearm as required under subsection (1) is responsible for a civil violation and may be fined not more than \$500.00.

28.431. Review of criminal histories; report; rules.

Sec. 11. Before January 1, 1995, the director of the state police shall, if sufficient money is appropriated by the legislature, by rules promulgated by the department of state police, provide a system for the expeditious review of the criminal histories of individuals who purchase firearms and file with the legislature a written report of his or her findings and conclusions.

28.432. Inapplicability of licensing and safety inspection sections.

Sec. 12. Sections 2 and 9 do not apply to a duly authorized police or correctional agency of the United States or of the state or any subdivision thereof, nor to the army, air force, navy or marine corps of the United States, nor to organizations authorized by law to purchase or receive weapons from the United States or from this state, nor to the national guard, armed forces reserves or other duly authorized military organizations, or to members of the above agencies or organizations for weapons used for the purposes

of or incidental to such agencies or organizations, nor to a person holding a license to carry a pistol concealed upon his person issued by another state, nor to the regular and ordinary transportation of pistols as merchandise by authorized agents of any person licensed to manufacture firearms.

28.434. Unlawful possession; weapon forfeited to state.

Sec. 14. All pistols, weapons or devices carried or possessed contrary to this act are hereby declared forfeited to the state, and shall be turned over to the commissioner of the Michigan state police or his designated representative, for such disposition as said commissioner may prescribe.

**Firearms and Ammunition (Excerpts)
Act 319 of 1990**

AN ACT to prohibit local units of government from imposing certain restrictions on the ownership, registration, purchase, sale, transfer, transportation, or possession of pistols or other firearms, ammunition for pistols or other firearms, or components of pistols or other firearms.

123.1101. Definitions.

Sec. 1. As used in this act:

(a) "Local unit of government" means a city, village, township, or county.

(b) "Pistol" means that term as defined in section 222 of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being section 750.222 of the Michigan Compiled Laws.

123.1102. Regulation of pistols or other firearms.

Sec. 2. A local unit of government shall not impose special taxation on, enact or enforce any ordinance or regulation pertaining to, or regulate in any other manner the ownership, registration, purchase, sale, transfer, transportation, or possession of pistols or other firearms, ammunition for pistols or other firearms, or components of pistols or other firearms, except as otherwise provided by federal law or a law of this state.

123.1103. Permissible prohibitions or regulation.

Sec. 3. This act does not prohibit a local unit of government from doing either of the following:

(a) Prohibiting or regulating conduct with a pistol or other firearm that is a criminal offense under state law.

(b) Prohibiting or regulating the transportation, carrying, or possession of pistols and other firearms by employees of that local unit of government in the course of their employment with that local unit of government.

123.1104. Prohibiting discharge of pistol or other firearm.

Sec. 4. This act does not prohibit a city or a charter township from prohibiting the discharge of a pistol or other firearm within the jurisdiction of that city or charter township.

The Michigan Penal Code (Excerpts)
Act 328 of 1931

750.222. Definitions.

Sec. 222. As used in this chapter:

(a) **"Barrel length"** means the internal length of a firearm as measured from the face of the closed breach of the firearm when it is unloaded, to the forward face of the end of the barrel.

(b) **"Firearm"** means a weapon from which a dangerous projectile may be propelled by an explosive, or by gas or air. Firearm does not include a smooth bore rifle or handgun designed and manufactured exclusively for propelling by a spring, or by gas or air, B.B.'s not exceeding .177 caliber.

(c) **"Pistol"** means a loaded or unloaded firearm that is 30 inches or less in length, or a loaded or unloaded firearm that by its construction and appearance conceals it as a firearm.

(d) **"Purchaser"** means a person who receives a pistol from another person by purchase, gift, or loan.

(e) **"Seller"** means a person who sells, furnishes, loans, or gives a pistol to another person.

(f) **"Shotgun"** means a firearm designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single function of the trigger.

(g) **"Short-barreled shotgun"** means a shotgun having 1 or more barrels less than 18 inches in length or a weapon made from a shotgun, whether by alteration, modification, or otherwise, if the weapon as modified has an overall length of less than 26 inches.

(h) **"Rifle"** means a firearm designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

(i) **"Short-barreled rifle"** means a rifle having 1 or more barrels less than 16 inches in length or a weapon made from a rifle, whether by alteration, modification, or otherwise, if the weapon as modified has an overall length of less than 26 inches.

750.223. Selling firearms and ammunitions: * * *.

Sec. 223.(1) A person who knowingly sells a pistol without complying with section [28.422] of the Michigan Compiled Laws, is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not more than \$100.00, or both.

(2) A person who knowingly sells a firearm more than 30 inches in length to a person under 18 years of age is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not more than \$500.00, or both. A second or subsequent violation of this subsection is a felony punishable by imprisonment for not more than 4 years, or a fine of not more than \$2,000.00, or both. It is an affirmative defense to a prosecution under this subsection that the person who sold the firearm asked to see and was shown a driver's license or identification card issued by a state that identified the purchaser as being 18 years of age or older.

(3) A seller shall not sell a firearm or ammunition to a person if the seller knows that either of the following circumstances exists:

(a) The person is under indictment for a felony. As used in this subdivision, **"felony"** means a violation of a law of this state, or of another state, or of the United States that is punishable by imprisonment for 4 years or more.

(b) The person is prohibited under section 224f from possessing, using, transporting, selling, purchasing, carrying, shipping, receiving, or distributing a firearm.

(4) A person who violates subsection (3) is guilty of a felony, punishable by imprisonment for not more than 10 years, or by a fine of not more than \$5000.00, or both.

(5) As used in this section, **"licensed dealer"** means a person licensed under section 923 of chapter 44 of title 18 of the United States Code who regularly buys and sells firearms as a commercial activity with the principal objective of livelihood and profit.

750.224. Weapons; manufacture, sale, or possession as felony, exceptions; "muffler" or silencer" defined.

Sec. 224.(1) A person shall not manufacture, sell, offer for sale, or possess any of the following:

(a) A machinegun or firearm that shoots or is designed to shoot automatically more than 1 shot without manual reloading, by a single function of the trigger.

(b) A muffler or silencer.

(c) A bomb or bombshell. * * * *

(2) A person who violates subsection (1) is guilty of a felony, punishable by imprisonment for not more than 5 years, or a fine of not more than \$2,500.00, or both.

(3) Subsection (1) does not apply to any of the following: * * * *

(b) A person manufacturing firearms, explosives, or munitions of war by virtue of a contract with a department of the government of the United States.

(c) A person licensed by the secretary of the treasury of the United States or the secretary's delegate to manufacture, sell, or possess a machinegun, or the type of * * * weapon * * * described in subsection (1).

(4) As used in this chapter, **"muffler"** or **"silencer"** means 1 or more of the following:

(a) A device for muffling, silencing, or deadening the report of a firearm.

(b) A combination of parts, designed or redesigned, and intended for use in assembling or fabricating a muffler or silencer.

(c) A part, designed or redesigned, and intended only for use in assembling or fabricating a muffler or silencer.

Publisher's Notes:

1. There is no provision in Michigan law for the acquisition and possession of an automatic weapon by a private citizen, nor is there any provision for the issuance of permits for acquisition or possession of a machinegun or a weapon equipped with a silencer by a private individual. Op. Atty. Gen., August 10, 1977, No. 5210.

2. A peace officer may acquire and possess, without a license, an automatic

weapon provided that the employer of the peace officer does not adopt a rule or policy prohibiting the acquisition or possession of such automatic weapons. Op. Atty. Gen., November 30, 1981, No. 6015.

750.224a. Portable device or weapon directing electrical current, impulse, wave, or beam; sale or possession prohibited; testing.

Sec. 224a.(1) A person shall not sell, offer for sale, or possess in this state a portable device or weapon from which an electrical current, impulse, wave or beam may be directed, which current, impulse, wave or beam is designed to incapacitate temporarily, injure, or kill.

(2) This section shall not prohibit delivery to or possession by the department of state police or any agency or laboratory with prior written approval of, and on conditions established by, the director of the department of state police for the purpose of testing such a device or weapon.

(3) A person who violates this section is guilty of a felony.

750.224b. Short-barreled shotgun or rifle, manufacture, sale, or possession as felony; penalty; exceptions; applicability of § 776.20.

Sec. 224b.(1) A person shall not manufacture, sell, offer for sale, or possess a short-barreled shotgun or a short-barreled rifle.

(2) A person who violates this section is guilty of a felony punishable by imprisonment for not more than 5 years, or a fine of not more than \$2,500.00, or both.

(3) The provisions of this section shall not apply to the sale, offering for sale or possession of a short-barreled rifle or a short-barreled shotgun which the secretary of the treasury of the United States of America, or his delegate, pursuant to U.S.C. title 26, sections 5801 through 5872, or U.S.C. title 18, sections 921 through 928, has found to be a curio, relic, antique, museum piece or collector's item not likely to be used as a weapon, but only if the person selling, offering for sale or possessing the firearm has also fully complied with the provisions of sections [28.422 and 28.429] of the Michigan Compiled Laws.

The provisions of section [776.20] of the Michigan Compiled Laws are applicable to this subsection.

750.224c. Armor piercing ammunition; manufacture, distribution, sale, or use prohibited; exceptions; violation as felony: * * *.

Sec. 224c.(1) Except as provided in subsection (2), a person shall not manufacture, distribute, sell, or use armor piercing ammunition in this state. A person who willfully violates this section is guilty of a felony, punishable by imprisonment for not more than 4 years, or by a fine of not more than \$2,000.00, or both.

(2) This section does not apply to either of the following:

(a) A person who manufactures, distributes, sells, or uses armor piercing ammunition in this state, if that manufacture, distribution, sale, or use is not in violation of chapter 44 of title 18 of the United States Code.

(b) A licensed dealer who sells or distributes armor piercing ammunition in violation of this section if the licensed dealer is subject to license revocation under chapter 44 of title 18 of the United States Code for that sale or distribution.

(3) As used in this section:

(a) "Armor piercing ammunition" means a projectile or projectile core which may be used in a pistol and which is constructed entirely, excluding the presence of traces of other substances, of tungsten alloys, steel, iron, brass, bronze, beryllium copper, or a combination of tungsten alloys, steel, iron, brass, bronze, or beryllium copper. Armor piercing ammunition does not include any of the following:

(i) Shotgun shot that is required by federal law or by a law of this state to be used for hunting purposes.

(ii) A frangible projectile designed for target shooting.

(iii) A projectile that the director of the department of state police finds is primarily intended to be used for sporting purposes.

(iv) A projectile or projectile core that the director of the department of state police finds is intended to be used for industrial purposes.

(b) "Licensed dealer" means a person licensed under chapter 44 of title 18 of the United States Code to deal in firearms and ammunition.

(4) The director of the department of state police shall exempt a projectile or projectile core under subsection (3)(a)(iii) or (iv) if that projectile or projectile core is exempted under chapter 44 of title 18 of the United States Code. The director of state police shall exempt a projectile or projectile core under subsection (3)(a)(iii) or (iv) only by a rule promulgated in compliance with the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws.

750.224e. Conversion of semi-automatic firearm to fully automatic firearm; prohibited acts; penalty; applicability; "fully automatic firearm", licensed collector", and semi-automatic firearm" defined.

Sec. 224e.(1) A person shall not knowingly do any of the following:

(a) Manufacture, sell, distribute, or possess or attempt to manufacture, sell, distribute, or possess a device that is designed or intended to be used to convert a semi-automatic firearm into a fully automatic firearm.

(b) Demonstrate to another person or attempt to demonstrate to another person how to manufacture or install a device to convert a semi-automatic firearm into a fully automatic firearm.

(2) A person who violates subsection (1) is guilty of a felony punishable by imprisonment for not more than 4 years, or a fine of not more than \$2,000.00, or both.

(3) This section does not apply to any of the following:

(a) A police agency of this state, or of a local unit of government of this state, or of the United States.

(b) An employee of an agency described in subdivision (a), if the manufacture, sale, distribution, or possession or attempted manufacture, sale, distribution, or possession or demonstration or attempted demonstration is in the course of his or her official duties as an employee of that agency.

(c) The armed forces.

(d) A member or employee of the armed forces, if the manufacture, sale, distribution, or possession or attempted manufacture, sale, distribution, or possession or demonstration or attempted demonstration is in the course of his or her official duties as a member or employee of the armed forces.

(e) A licensed collector who possesses a device that is designed or intended to be used to convert a semi-automatic firearm into a fully automatic firearm

that was lawfully owned by that licensed collector before the effective date of the amendatory act [March 28, 1991; Act No. 321, P.A. 1990], which added this section. This subdivision does not permit a licensed collector who lawfully owned a device that is designed or intended to be used to convert a semi-automatic firearm into a fully automatic firearm before the effective date of the amendatory act [March 28, 1991; Act No. 321, P.A. 1990], which added this section to sell or distribute or attempt to sell or distribute that device to another person after the effective date of the amendatory act [March 28, 1991; Act No. 321, P.A. 1990], which added this section.

(4) As used in this section:

(a) "Fully automatic firearm" means a firearm employing gas pressure or force of recoil to mechanically eject an empty cartridge from the firearm after a shot, and to load the next cartridge from the magazine, without renewed pressure on the trigger for each successive shot.

(b) "Licensed collector" means a person licensed under chapter 44 of title 18 of the United States Code to acquire, hold, or dispose of firearms as curios or relics.

(c) "Semi-automatic firearm" means a firearm employing gas pressure or force of recoil to mechanically eject an empty cartridge from the firearm after a shot, and to load the next cartridge from the magazine, but requiring renewed pressure on the trigger for each successive shot.

Publisher's Note:

Rifles and shotguns whose barrels are 16 and 18 inches or more in length, respectively, with contracting/folding stocks, which are fully operable with stocks folded or contracted, and whose overall length are LESS than 26 inches with stocks contracted/folded, fall within the definition of "short-barreled rifle" and "short-barreled shotgun" and their sale or possession is PROHIBITED by MCC; MSA § 28.421(2) The Uzi, a semi-automatic carbine (barrel length 16.1 inches length with stock contracted 24.4 inches length with stock extended 31.5 inches) is a short-barreled rifle and their SALE and POSSESSION is prohibited.

(Opinion 6280 of Attorney General Frank J. Kelly, March 20, 1985).

750.224f. Possession of firearm by person convicted of felony; circumstances; penalty; applicability of section to experience or set aside conviction; "felony" and "specified felony" defined.

Sec. 224f.(1) Except as provided in subsection (2), a person convicted of a felony shall not possess, use, transport, sell, purchase, carry, ship, receive, or distribute a firearm in this state until the expiration of 3 years after all of the following circumstances exist:

(a) The person has paid all fines imposed for the violation.

(b) The person has served all terms of imprisonment imposed for the violation.

(c) The person has successfully completed all conditions of probation or parole imposed for the violation.

(2) A person convicted of a specified felony shall not possess, use, transport, sell, purchase, carry, ship, receive, or distribute a firearm in this state until all of the following circumstances exist:

(a) The expiration of 5 years after all of the following circumstances exist:

- (i) The person has paid all fines imposed for the violation.
- (ii) The person has served all terms of imprisonment imposed for the violation.
- (iii) The person has successfully completed all conditions of probation or parole imposed for the violation.
- (b) The person's rights to possess, use, transport, sell, purchase, carry, ship, receive, or distribute a firearm has been restored pursuant to section 28.424. * * * *
- (3) A person who possesses, uses, transports, sells, purchases, carries, ships, receives, or distributes a firearm in violation of this section is guilty of a felony, punishable by imprisonment for not more than 5 years, or a fine of not more than \$5,000.00, or both.
- (4) This section does not apply to a conviction that has been expunged or set aside, or for which the person has been pardoned, unless the expunction, order, or pardon expressly provides that the person shall not possess a firearm.
- (5) As used in this section, "**felony**" means a violation of a law of this state, or of another state, or of the United States that is punishable by imprisonment for 4 years or more, or an attempt to violate such a law.
- (6) As used in subsection (2), "**specified felony**" means a felony in which 1 or more of the following circumstances exist:
 - (i) An element of that felony is the use, attempted use, or threatened use of physical force against the person or property of another, or that by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.
 - (ii) An element of that felony is the unlawful manufacture, possession, importation, exportation, distribution, or dispensing of a controlled substance.
 - (iii) An element of that felony is the unlawful possession or distribution of a firearm.
 - (iv) An element of that felony is the unlawful use of an explosive.
 - (v) The felony is burglary of an occupied dwelling, or breaking and entering an occupied dwelling, or arson.

750.228. Failure to have pistol inspected; applicability; penalty.

Sec. 228.(1) Except as provided in subsection (2), a person who fails have his or her pistol inspected as required under section [28.429] of the Michigan Compiled Laws, is guilty of a misdemeanor punishable by imprisonment for not more than 90 days, or a fine of not more than \$100.00, or both

(2) Subdivision (1) does not apply to a person who obtained a pistol in violation of section [28.429] of the Michigan Compiled Laws, before the effective date of the 1990 amendatory act [March 28, 1991; Act No. 321, P.A. 1990], which added this subsection, who has not been convicted of that violation, and who has his or her pistol inspected as required under section [28.429] within 90 days after the effective date of the amendatory act [March 28, 1991; Act No. 321, P.A. 1990], which added this subsection.

750.229. Pistols accepted in pawn, by second-hand dealer or junk dealer.

Sec. 229. Any pawnbroker who shall accept a pistol in pawn, or any second-hand or junk dealer, as defined in [19.711] who shall accept a pistol and

offer or display the same for resale, shall be guilty of a misdemeanor.

750.230. Firearms; altering, removing, or obliterating marks of identity; presumption.

Sec. 230. A person who shall wilfully alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identity of a pistol or other firearm, shall be guilty of a felony, punishable by imprisonment for not more than 2 years or fine of not more than \$1,000.00. Possession of a firearm upon which the number shall have been altered, removed, or obliterated, other than an antique firearm as defined by section [750.231a(1)(2)(a) or (b)], shall be presumptive evidence that the possessor has altered, removed, or obliterated the same.

750.231. Carrying concealed weapons, pistols, persons excepted from provisions.

Sec. 231. Sections [750.224 * * * and .227] do not apply to any peace officer of a duly authorized police agency of the United States, of this state, or of any political subdivision of this state, who is regularly employed and paid by the United States, this state, or a political subdivision of this state; or to any person regularly employed by the state department of corrections, and authorized in writing by the director of the department of corrections to carry a concealed weapon while in the official performance of his or her duties or while going to or returning from those duties; or to any member of the army, air force, navy, or marine corps of the United States when carrying weapons in line of or incidental to duty; or to organizations authorized by law to purchase or receive weapons from the United States or from this state; or to members of the national guard, armed forces reserves, or other duly authorized military organizations when on duty or drill, or in going to or returning from their places of assembly or practice by a direct route or otherwise, while carrying weapons used for purposes of the national guard, armed forces reserves, or other duly authorized military organizations.

750.231a. Excepted persons and transactions; "antique firearm" defined.

Sec. 231a.(1) * * * [Exceptions from § 750.227. Contact the Michigan State Police if details needed.]

(2) As used in this section, "antique firearm" means either of the following:

(a) A firearm not designed or redesigned for using rimfire or conventional centerfire ignition with fixed ammunition and manufactured in or before 1898, including a matchlock, flintlock, percussion cap, or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898.

(b) A firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

750.231b. Sale and safety inspection; persons exempt.

Sec. 231b. * * * [Exceptions from §§ 750.223, .228. Contact the Michigan State Police if details needed.] * * * *

750.231c. Definitions.

Sec. 231c.(1) As used in this section: * * * *

(b) **"Approved signaling device"** means a pistol which is a signaling device approved by the United States coast guard pursuant to regulations issued under section 4488 of the Revised Statutes of the United States, 46 U.S.C. Appx. 481, or under section 5 of the federal boat safety act of 1971, Public Law 92-75, 46 U.S.C. 1454.

(c) **"Vessel"** means every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

(2) Sections [750.223, * * * .228, * * * and .237] shall not apply to an approved signaling device * * * **[Contact State Police if details needed.]** * * *

750.232. Purchasers of firearms; registration.

Sec. 232. Registration of purchasers of pistols, etc.- Any person engaged in any way or to any extent in the business of selling at retail, guns, pistols, other firearms or silencers for firearms who shall fail or neglect to keep a register in which shall be entered the name, age, occupation and residence (if residing in the city with the street number of such residence) of each and every purchaser of such guns, pistols, other firearms or silencers for firearms together with the number or other mark of identification, if any, on such gun, pistol, other firearms or silencer for firearms, which said register shall be open to the inspection of all peace officers at all times, shall be guilty of a misdemeanor.

750.232a. Purchasers of firearms; unlawful without license; false statement in application.

Sec. 232a.(1) Except as provided in subsection (2), a person who obtains a pistol in violation of section [28.422] of the Michigan Compiled Laws, is guilty of a misdemeanor punishable by imprisonment for not more than 90 days, or a fine of not more than \$100.00, or both.

(2) Subdivision (1) does not apply to a person who obtained a pistol in violation of section [28.422], before the effective date of the 1990 amendatory act [March 28, 1991; Act No. 321, P.A. 1990], which added this subsection, who has not been convicted of that violation, and who obtains a license as required under section [28.422] within 90 days after the effective date of the 1990 amendatory act [March 28, 1991; Act No. 321, P.A. 1990], which added this subsection.

(3) A person who intentionally makes a material false statement on an application for a license to purchase a pistol under section [28.422], as amended, is guilty of a felony, punishable by imprisonment for not more than 4 years, or a fine of not more than \$2,000.00, or both.

(4) A person who uses or attempts to use false identification or the identification of another person to purchase a firearm is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days or a fine of not more than \$100.00, or both. * * * *

750.237. Possession or use of firearm by person under influence of liquor or drug.

Sec. 237. Any person under the influence of intoxicating liquor or any exhilarating or stupefying drug who shall carry, have in possession or under control, or use in any manner or discharge any firearm within this state,

shall be guilty of a misdemeanor.

750.237a. Individuals engaging in proscribed conduct; violation; penalties; definitions.

Sec. 237a. (1) An individual who engages in conduct proscribed under section 224, 224a, 224b, 224c, 224e, 226, 227, 227a, 227f, 234a, 234b, or 234c, or who engages in conduct proscribed under section 223(2) for a second or subsequent time, in a weapon free school zone is guilty of a felony punishable by 1 or more of the following:

(a) Imprisonment for not more than the maximum term of imprisonment authorized for the section violated.

(b) Community service for not more than 150 hours.

(c) A fine of not more than 3 times the maximum fine authorized for the section violated.

(2) An individual who engages in conduct proscribed under section 223(1), 224d, 226a, 227c, 227d, 231c, 232a(1) or (4), 233, 234, 234e, 234f, 235, 236, or 237, or who engages in conduct proscribed under section 223(2) for the first time, in a weapon free school zone is guilty of a misdemeanor punishable by 1 or more of the following:

(a) Imprisonment for not more than the maximum term of imprisonment authorized for the section violated or 93 days, whichever is greater.

(b) Community service for not more than 100 hours.

(c) A fine of not more than \$2,000.00 or the maximum fine authorized for the section violated, whichever is greater.

(3) Subsections (1) and (2) do not apply to conduct proscribed under a section enumerated in those subsections to the extent that the proscribed conduct is otherwise exempted or authorized under this chapter.

(4) Except as provided in subsection (5), an individual who possesses a weapon in a weapon free school zone is guilty of a misdemeanor punishable by 1 or more of the following:

(a) Imprisonment for not more than 93 days.

(b) Community service for not more than 100 hours.

(c) A fine of not more than \$2,000.00

(5) Subsection (4) does not apply to any of the following:

(a) An individual employed by or contracted by a school if the possession of that weapon is to provide security services for the school.

(b) A peace officer.

(c) An individual licensed by this state or another state to carry a concealed weapon.

(d) An individual who possesses a weapon provided by a school or a school's instructor on school property for purposes of providing or receiving instruction in the use of that weapon.

(e) An individual who possesses a firearm on school property if that possession is with the permission of the school's principal or an agent of the school designated by the school's principal or the school board.

(f) An individual who is 18 years of age or older who is not a student at the school and who possesses a firearm on school property while transporting a student to or from the school if any of the following apply:

(i) The individual is carrying an antique firearm, completely unloaded, in a wrapper or container in the trunk of a vehicle while en route to or from a hunting or target shooting area or function involving the exhibition, demon-

stration or sale of antique firearms.

(ii) The individual is carrying a firearm unloaded in a wrapper or container in the trunk of the person's vehicle, while in possession of a valid Michigan hunting license or proof of valid membership in an organization having shooting range facilities, and while en route to or from a hunting or target shooting area.

(iii) The person is carrying a firearm unloaded in a wrapper or container in the trunk of the person's vehicle from the place of purchase to his or her home or place of business or to a place of repair or back to his or her home or place of business, or in moving goods from one place of abode or business to another place of abode or business.

(iv) The person is carrying an unloaded firearm in the passenger compartment of a vehicle that does not have a trunk, if the person is otherwise complying with the requirements of subparagraph (ii) or (iii) and the wrapper or container is not readily accessible to the occupants of the vehicle.

(6) As used in this section:

(a) **"Antique Firearm"** means either of the following:

(i) A firearm not designed or redesigned for using rimfire or conventional centerfire ignition with fixed ammunition and manufactured in or before 1898, including a matchlock, flintlock, percussion cap, or similar type of ignition system or a replica of such a firearm, whether actually manufactured before or after the year 1898.

(ii) A firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(b) **"School"** means a public, private, denominational, or parochial school offering developmental kindergarten, kindergarten, or any grade from 1 through 12.

(c) **"School property"** means a building, playing field, or property used for school purposes to impart instruction to children or used for functions and events sponsored by a school, except a building used primarily for adult education or college extension courses.

(d) **"Weapon free school zone"** means school property and a vehicle used by a school to transport students to or from school property.

Statutes (Excerpt)
R.S. 1846, Ch. 1
Of the Statutes.
History: R.S. 1846.Ch. 1.

8.3t "Firearm" defined.

Sec. 3t. The word **"firearm"**, except as otherwise defined in the statutes, shall be construed to include any weapon from which a dangerous projectile may be propelled by using explosives, gas or air as a means of propulsion, except any smooth bore rifle or handgun designed and manufactured exclusively for propelling B.B.'s not exceeding .177 calibre by means of spring, gas or air.

**Purchase of Rifles and Shotguns
Act 207 of 1969**

AN ACT to permit residents to purchase rifles and shotguns in contiguous states and to provide for reciprocity. **History: 1969, Act 207, Imd. Eff. Aug. 6, 1969.**

The People of the State of Michigan enact:

3.111. Rifles and shotguns; purchases by residents.

Sec. 1. Residents of this state may purchase rifles and shotguns in any state contiguous thereto if they conform to the federal gun control act of 1968 and the regulations issued thereunder, as administered by the secretary of the treasury and the laws of the state where the purchase is made. **History: 1969, Act 207, Imd. Eff. Aug. 6, 1969. NOTE: The above statutes are procedural/enabling sections which were passed to conform with the Federal Gun Control Act. In 1986, there was an amendment to the federal act. This amendment now allows the sale or delivery of rifles and shotguns to a resident of any state if the transfer takes place in person and the transfer is in compliance with the laws of both states.**

3.112. Rifles and shotguns; purchases by nonresidents.

Sec. 2. Residents of a contiguous state may purchase rifles and shotguns in this state if they conform to the federal gun control act of 1968 and the regulations issued thereunder as administered by the secretary of the treasury and the laws of the state wherein the purchaser resides. **History: 1969, Act 207, Imd. Eff. Aug. 6, 1969.**

**Fingerprinting Residents of State (Excerpt)
Act 120 of 1935**

AN ACT to prescribe a method for the fingerprinting of residents of the state, and to provide for the recording and filing thereof by the central records division of the department of state police. **History: Add. 1985, Act 175, Imd. Eff. Dec. 2, 1985.**

The People of the State of Michigan enact:

28.273. Fee.

Sec. 3. The department of state police may charge a fee, not to exceed \$15.00, for taking and processing the fingerprints and completing a criminal record check of a resident of this state when the impression of the fingerprints are requested for employment or licensing-related purposes. The fee shall not exceed the actual cost of taking and processing the impression of the fingerprints and completing a criminal record check on that person. The fee shall be collected and forwarded to the state police by the licensing body or the employer. **History: Add. 1985, Act 175, Imd. Eff. Dec. 2, 1985.**

Federal Fee - Applicant Fingerprint Clearance

Effective October 1, 1994, the Federal Bureau of Identification (FBI), imple-

mented a \$24.00 processing fee for all applicant fingerprint clearances. The FBI processing fee is in addition to the \$15.00 state processing fee.

Federal Firearms License

To clarify any misunderstanding pertaining to the possession of a Federal Firearms License and its application to state law, the following quote is taken from the Gun Control Act of 1968: Part 178 of Title 27, Code of Federal Regulations.

178.58. State or other law. A license issued under this part confers no right or privilege to conduct business or activities contrary to state or other laws. The holder of such a license is not by reason of the rights and privileges granted by that license immune from punishment for operating a firearm or ammunition business or activity in violation of the provision of any state or other law. Similarly, compliance with the provision of any state or other laws affords no immunity under Federal Law or Regulations.